



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: WALLACH=16A

In re Application of:

David WALLACH et al

Appln. No.: 09/824,134

Filed: April 3, 2001

For: MODULATORS OF THE FUNCTION OF
FAS/AP01

Conf. No.: 2547

Art Unit: 1642

Examiner: M. Davis

Washington, D.C.

June 4, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated March 4, 2004, of the Primary Examiner. The claims appealed are claims 1-7, 11 and 14.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$330.00

\$165.00 (small entity)

Not required (fee paid in prior appeal)

Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 55.00

[] Second - \$210.00

[] Third - \$475.00

[] Fourth - \$740.00

month after time period set

Other Than Small Entity
Response Filed Within

[] First - \$ 110.00

[] Second - \$ 420.00

[] Third - \$ 950.00

[] Fourth - \$1480.00

month after time period set

[] Less fees (\$) already paid for __ months extension of time on __.

A check in the amount of \$ is attached. (Check No.)

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 330.00

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

06/07/2004 EAREGAY1 00000012 09824134

01 FC:1401

330.00 OP

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
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By:

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